REGULAR MEETING
April 16, 2018

Mayor Wayne Jett called the regularly scheduled April 16, 2018 meeting of the McHenry City Council to order at 7:00 pm in the McHenry City Council Chambers, 333 S. Green Street, McHenry, IL. In attendance were the following Councilmembers: Condon, Devine, Mihevc, Curry, Schaefer, Glab, and Santi. Also in attendance: City Administrator Morefield, Director of Parks and Recreation Hobson, Director of Economic Development Martin, Chief of Police Birk, Director of Public Works Schmitt, Director of Community Development Polerecky, Director of Finance Lynch, and Deputy Clerk Geraghty.

Mayor Jett announced City Attorney McArdle would make a statement prior to Public Comment.

Attorney McArdle requested that Attorney Thomas Zanck representing Meyer Material and Meyer Material Operations Manager Randi Wille step up to the podium and read a written statement a copy of which is attached.

PUBLIC HEARING CONCERNING AMENDMENTS TO MEYER MATERIAL COMPANY, LLC ANNEXATION AGREEMENTS.

Mayor Jett called to order the Public Hearing concerning Amendments to Meyer Material Company, LLC Annexation Agreements at 7:15 PM.

Mayor Jett opened the floor for Public Comment.

Mr. Rich Slone, 6513 Burning Tree Drive, McHenry, IL expressed his request for a reasonable extension of the Meyer Material agreements that will benefit the city and contain requirements for Meyer to fund infrastructure improvements that will benefit the subdivision.

Ms. Gerry Stueckemann, 6630 Hayward Ct., McHenry, IL expressed her opposition to the gravel pit operation.

Bill & Maria Rabenoa, 7208 Burning Tree Drive, McHenry, IL expressed concerns about extending the Meyer Annexation Agreement.

Mr. Terrance Nadar, 1213 Matanuska, McHenry, IL expressed his opposition to the proposed extension of the Meyer Material Annexation Agreements and the findings as determined by past Councils.

Mr. Gary Malek, 1601 Tecumseh Drive, McHenry, IL expressed concern about the dust, sand, and noise generated by the Meyer Material Co. pit operations.

Mr. Jay Mathiesen, 6712 Burning Tree Drive, McHenry, IL stated he would save his comments for later in the meeting.
Ms. Sandra Gallardo, 6220 Whiteoak Drive, McHenry, IL told the Council she is a seven month resident of McHenry and expressed her concerns about Meyer Material operations air emissions from trucks, dust, and noise.

Mr. Scott Wolf, 6519 Burning Tree Court, McHenry, IL expressed his opposition to extending the Meyer annexation agreements and the long term effects mining operations may have on the groundwater quality. He requested that Lafarge invest in our community.

Mark & Jennifer Harris, 6630 Illiama Trail, McHenry, IL expressed their opposition to the proposed extension of the annexation agreements. They also stated they will email Mayor Jett a copy of a video of the mining operations as viewed from their backyard.

Vince Sacora, 7108 Burning Tree Drive, McHenry, IL expressed his concerns about the Meyer Annexation Agreements and requested that all mining operations cease.

At this time, Mayor Jetta gave the floor to Attorney Tom Zanck to express his side of the facts.

Attorney Zanck referred the unanimous 6-0 recommended received from the Planning and Zoning Commission. He then provided a historical summary of the City of McHenry/Meyer Material agreements dating back to the original 1976 property annexation. Attorney Zanck announced that there has never been a formal complaint written against Meyer Material Co., the Millers or the current owner of Meyer Material Co., LLC. They have been good corporate citizens and have conveyed significant amounts of money to the city. Perhaps the biggest mistake made by Meyer was when they began to remove the aggregate from the north to the south instead of immediately going to the south and for the next 10 years going to the north and that is where we are today.

Attorney Zanck stated Meyer would like to continue to be a significant part of the city. Further, he and Meyer representatives would accept the invitation to attend the closed session.

Attorney Zanck then interviewed Mr. Randi Wille and Doug Evercamp representing Meyer Materials Co., regarding plant operations and past complaints and resolutions.

Mayor Jett asked for additional public comments.

Mr. Rich Sloan stated again that they do not want Meyer in McHenry and urged all residents affected by the mining operations to contact the city daily to express their complaints. He also suggested hiring an independent consultant to test the air quality and noise levels around the mining operations.

As there was no further public comment or any other discussion by the Council, Mayor Jett called for a motion to close the public hearing.
Alderwoman Condon made a motion, second by Alderman Mihevc to close the public hearing regarding Amendments to Meyer Material Company, LLC Annexation Agreements.

Attorney Mc Ardle announced that the city had just conducted its second Public Hearing for Meyer. From a legal standpoint, the hearing is ended which means we complied with the statute. Whenever this matter is continued to another day, there will always be a public comment section and no one will be denied the right to speak.

Kathy Adams, 3618 Grand Avenue, McHenry, IL, reported that she travels Route 120 along the pit and has had broken windshields from rocks flying off the back of trucks leaving and entering the pit.

Mayor Jett asked for additional comments from the Council.

Alderman Curry provided background on his discovery of the Meyer Material’s and urged those in attendance to stay involved in the city and its government.

Mayor Jett asked the Clerk to call the roll for the motion on the floor:

Voting Aye: Condon, Mihevc, Santi, Glab, Curry, Schafer Devine  
Voting Nay: None  
Absent: None  
Motion Carried

The Public Hearing closed at 8:25 PM.

PUBLIC COMMENT

None.

CONSENT AGENDA

A. Renew Sublet Agreement between City of McHenry and Trey & Tom Corp. d/b/a Main Street Station for the property located at 4005 W. Main Street for the term ending October 31, 2020 for $950 per month;

B. Appointment of Celeste Heidemann to the Landmark Commission to fill the vacant term expiring on April 30, 2021;

C. Special Event Liquor License to permit the retail sale of alcohol outdoors for Nicolino’s annual Kentucky Derby event, 621 Ridgeview Drive on Saturday, May 4 from 10 AM to 10 PM;

D. Parks Facilities/Picnic Permits;

E. April 2, 2018 City Council meeting minutes; and

F. Payment of Bills in the amount of $252,526.19.

At Alderman Curry’s request, Mayor Jett announced Consent Item A was pulled from the Consent Agenda and would be voted as a separate item.
Motion by Alderman Schaefer, second by Alderwoman Condon to approve Consent Agenda Items 6-B through 6-F as presented.

Voting Aye:    Schaefer, Condon, Curry, Devine, Glab, Mihevc, Santi
Voting Nay:    None
Absent:        None
Motion carried.

Consent Item 6-A, Renew Sublet Agreement between City of McHenry and Trey & Tom Corp. d/b/a Main Street Station for the property located at 4005 W. Main Street for the term ending October 31, 2020 for $950 per month.

Motion by Alderman Schaefer, second by Alderwoman Condon to renew the Sublet Agreement between City of McHenry and Trey & Tom Corp. d/b/a Main Street Station for the property located at 4005 W. Main Street for the term ending October 31, 2020 for $950 per month.

Alderman Curry requested the history of the lease amount and stated his opinion that it should be increased as it had been stagnant for several years and if the amount charged by the city was fair to other businesses in the area.

After further discussion by the Council, it was agreed the lease amount should be increased to $6/square foot and brought back to the Council at its next meeting.

Alderman Schaefer withdrew his second and the motion failed for lack of a second.

Motion by Alderwoman Condon, second by Alderman Santi to table and set aside Consent Item 6-A and present the item at the next Council meeting with the proposed increased.

Voting Aye:    Condon, Santi, Curry, Schaefer, Devine, Glab, Mihevc
Voting Nay:    None
Absent:        None
Motion carried

INDIVIDUAL ACTION ITEM AGENDA:

A. Motion to approve the transfer of Class A-21 Liquor License from Plum Garden Restaurant, Inc. d/b/a Plum Garden Restaurant, to Plum Garden LLC d/b/a Plum Garden Restaurant located at 3017 W. Main Street effective May 1, 2018.

Motion by Alderman Santi, second by Alderman Curry to approve the transfer of Class A-21 Liquor License from Plum Garden Restaurant, Inc. d/b/a Plum Garden Restaurant, to Plum Garden LLC d/b/a Plum Garden Restaurant located at 3017 W. Main Street effective May 1, 2018.

Voting Aye:    Santi, Curry, Condon, Schaefer, Devine, Glab, Mihevc
Voting Nay: None
Absent: None
Motion carried

B. **Motion to approve the Fiscal Year 2018/19 Liquor License Renewals.**
Mayor Jett stated at his time he would invite Council Members to comment on the motion with respect to the Fiscal Year 2018/19 Liquor License renewals. Alderman Santi noted that that there are two or three liquor license establishments that have yet to submit their proper paperwork or pay the fees. Mayor Jett reported that at this time there are three establishments that have not yet completed the renewal process. However, Staff has reached-out to these three establishments. Alderman Santi asked if those establishments would be removed from the list. Deputy City Clerk Geraghty reported that if the fees and the proper paperwork are not received by the license expiration date the liquor establishments will be removed from the list.

Alderman Glab commented on the liquor license establishments that also have video gaming. He noted the percentage of the liquor license establishments that also hold video gaming licenses is rather high. In addition, he believes that there are current liquor license establishments that most likely be asking Council to consider granting them video gaming licenses.

Alderman Schaefer noted a correction to the list with respect to Nicolino’s as they were not highlighted as holding a video gaming license. Deputy Clerk Geraghty reported that effective May 1, 2018 Nicolino’s will no longer offer video gaming.

Alderman Curry noted that the City of McHenry is ranked 15th in the State of Illinois with respect to the number of video gaming establishments.

The Council Members offered no further discussion on the motion, a **Motion was made by Alderwoman Condon and seconded by Alderman Curry to approve the Fiscal Year 2018/19 Liquor License renewals.**

Voting Aye: Condon, Curry, Santi, Schaefer, Devine, Glab, Mihevc
Voting Nay: None
Absent: None
Motion carried

**Motion to adopt an Ordinance authorizing the execution of a Development and Economic Incentive Agreement between the City of McHenry and Graham Enterprise, Inc. relating to the demolition and redevelopment of the McHenry BP Gas Station located at 5301 Bull Valley Road, demolition of the vacant building at 5520 W. Elm Street; and, demolition of the vacant building located at 4410 W. Elm Street.**
Director Martin provided the Council Members with an overview of the proposed Development and Economic Incentive Agreement with Graham Enterprise Inc. The incentive portion of the agreement would offset the development expenses related to the following components:

- Razing the existing facility at the southwest corner of Bull Valley Road and Crystal Lake Road;
- Razing the existing facility at the northeast corner of Ringwood Road and Illinois Route 120;
- Razing the vacant office building at 4410 West Elm Street;
- Potential Development of a fueling station at the northwest corner of Ringwood Road and Illinois Route 120
- Redevelopment of a new fueling station at the southwest corner of Bull Valley Road and Crystal Lake Road

Director Martin went on to report that the applicant Mr. John Graham and his associates were in attendance to answer any of Council’s questions.

Mayor Jett open the floor for Council discussion on this matter. Alderman Curry noted that in the packet the information with respect to the sale tax incentive payment shall be equal to 50% of the Base Sales Tax and Home Rule Sales Tax. Alderman Curry asked Staff what was the current sales tax revenue for the subject property. Director Martin replied that at this time he was unable to recall the amount. Alderman Curry suggested that the sale tax incentive should be calculated on the sale tax increase not on the current sale tax revenue. Alderman Curry stated that the way in which the sale tax incentive agreement is currently structure there are no requirements to build on the properties located on Bull Valley or Ringwood Roads. In his opinion the tax payers would be paying handsomely for the next 20 years to have two buildings demolished. Director Martin noted that the developer is making a $3 million dollar investment in building a new fueling station. Mr. Graham commented at length about the longevity of his company in the City of McHenry. He reported that the company has been located in the City of McHenry for over 60 years and he is the third generation to own and operate the corporation. Mr. Graham noted that his corporation is a small business and is unable to fund the entire development and redevelopment projects. Mr. Graham continued on to comment on the benefits of the sales tax incentive agreement to both the community and the local economy.

Director Martin reported that Director Lynch just informed him that the City receives an estimated annual sale tax revenue of $56,000. Alderman Curry thanked Director Martin and Director Lynch for the information.

Alderman Curry noted that he is supportive of the development. However, as noted by Staff the Council Members have to look very carefully at each agreement and his concerns is with the language contained in the agreement.
In Alderman Curry’s opinion the sale tax rebate should be calculated on the increase in sale tax revenue for the Ringwood Road development and if the other properties were to be developed then those properties would also receive the sale tax rebate.

Director Martin noted that this agreement was different due to the fact that they were structuring the agreement around three different sites and wanted to accomplish three different outcomes. Alderman Curry once again expressed his concerns regarding the only redevelopment guarantee was the Bull Valley and Crystal Lake Roads site. City residents could possibly pay an estimated $500,000 dollars in sales tax rebates over the next 20 years to demolish two existing facilities. Alderman Curry reported that he has received negative feedback from some constituents.

Alderman Glab commented on the proposed sale tax incentive agreement. He too believed that the proposed sale tax rebate to provide for the demolition of three buildings and only one site redeveloped at the tax payers’ expense was unreasonable. Alderman Glab discussed his past conversations with respect to having an Ordinance in place to address vacant buildings. In addition, he noted that he could not support this agreement unless the language was amended and there is a guarantee that the fueling station at Ringwood Road is developed.

Alderman Schafer commented on the proposed sale tax incentive agreement. He noted in the agreement there is a paragraph that references that no sale tax incentive shall be made to the Owner from the Ringwood Road or Bull Valley sites unless the sites are rebuilt in their entirety. Director Martin noted that there was a possibility that Mr. Graham could remodel the sites without having to rebuild. However, he would not qualify to receive the incentive.

Mr. Graham discussed in length his corporation’s business plan.

Alderman Schafer asked if the razing of the Bull Valley facility included the removal of the underground storage tanks. Mr. Graham replied yes. Mr. Graham discussed the changes in the expectations of fueling stations. Fueling stations now have developed into food alternatives centers.

Alderman Glab discussed his views on economic development. He commented on the fact that in his opinion the redevelopment of the Bull Valley Road fueling station does not generate additional sale tax revenue. The fueling station just shares the existing sale tax revenue base being generated by the current fueling stations located throughout the City. He noted that this was similar to the video gaming establishments. The increase of the amount of video gaming establishments did not generate additional revenue. He noted that in his opinion economic development’s function is to provide the residents with shopping and other commercial markets that they would otherwise have to commute to other communities to purchase their commodities.
Alderwoman Condon clarified that residents aren’t paying for this sale tax incentive agreement the City is just giving some of the sale tax revenues away as an incentive.

Alderwoman Condon asked Mr. Graham if his corporation has a timeline for when the 4410 West Elm Street site would be redeveloped. Mr. Graham stated what his corporation envisions is that the site is eventually redeveloped as a high tech car wash. Director Martin noted that there currently is no timeline for the redevelopment of this site.

Alderwoman Condon noted that she agrees with Alderman Curry’s comments regarding the 50/50 split on the sales tax revenue. The sale tax revenue split should be on the additional sale tax revenue generated by the redeveloped site. Alderman Curry noted that in the past the City had adopted similar agreements. In addition, Alderman Curry reported that the original incentive agreement included a car wash and provided the City with three major redevelopment projects estimated at $7 million dollars and now the agreement represents improvements at a decreased estimated value of $4 million dollars and only includes one guaranteed redevelopment site.

Alderwoman Condon discussed the Ringwood site. She expressed concern with the truck traffic in close proximity to the school site. In addition, in her opinion the redevelopment of this site to include a truck stop would cost the City and/or the School District money due to the site’s location. Which, in her opinion, would warrant either an Officer or a crossing guard to assist children crossing the busy intersection. Mr. Graham noted that their business plan for a truck stop is not similar to the truck stops you would typical see off of an interstate. Instead they anticipate the customer base to be small trucks instead of large semi-trucks which as a rule have corporate fueling stations or designated fueling credit cards.

Alderman Glab reiterated the fact that if the $1.0 million dollars in sale tax incentives only includes one redevelopment site instead of the three original sites he could not support approval of the agreement. Mr. Graham discussed his corporation’s intention with respect to creating a viable cutting edge convenience store and fueling station. Which, in his opinion will assist in the redevelopment of the Bull Valley Road intersection.

The Council discussed renegotiating the incentive agreement to reflect that the City would continue to receive the annual sale tax revenue in the current amount of $20,000.00 with a split above that.

A Motion was made by Alderwoman Condon and seconded by Alderman Devine to adopt an Ordinance authorizing the execution of a Development and Economic Agreement between the City of McHenry and Graham Enterprise, Inc. with the annual incentive amount equal to 50% of the Base Sale Tax and Home Rule Tax sale tax collected by the City from the property exceeding $20,000.00.
Mayor Jett asked if anyone in attendance wished to comment on the motion. Resident Craig Wilcox who resides at 590 Brighton Drive approached the podium. Mr. Wilcox thanked the Council Members for negotiating the sale tax incentive agreement in open session. However, in his opinion the Council Members should table this issue and renegotiate the sale tax incentive agreement to include a portion of the sale tax incentive revenue be allocated to the redevelopment of the Ringwood Road site.

Alderman Condon noted that the Council Members had received all the documentation and the information regarding the sale tax incentive agreement with only one amendment to the agreement which had been discussed in length. Alderman Condon commented on the fact that the Council Members’ intention is to encourage redevelopment and reinvest in the community.

There being no further discussion on the motion, Clerk Geraghty called the roll.

Voting Aye: Condon, Santi, Schaefer, Devine, Mihevc
Voting Nay: Glab, Curry
Absent: None
Motion carried

Mr. Graham thanked the Council Members for their support.

A. Motion to reconsider the denial by the City Council on April 2, 2018 of an Ordinance granting a Conditional Use Permit to allow an Assembly Use, Outdoor Seating, and Indoor Entertainment for Utopian Roast LLC d/b/a Hidden Pearl Cafe located at 1252-1254 N. Green Street; and, an Ordinance authorizing the Mayor’s execution of a Revocable License Agreement with Utopian Roast LLC to utilize .45 acres of city-owned property located at 1246 N. Green Street aka Neumann Park for outdoor seating and entertainment. (Motion to be made by an Alderman/Alderman who voted no on April 2, 2018).

Mayor Jett read the Motion under consideration. He noted that the reconsideration of the motion must be made by the Alderman or Alderwoman who voted no on April 2, 2018. Attorney McArdle explained his recommendation with respect to the Council’s action. He noted his recommendation is for the Council Members to reconsider not rescind the previous action regarding the denial of a Conditional Use Permit as this matter was a zoning issue and to rescind the action would a null the previous zoning procedures.

Alderman Santi reported that after the last meeting when this matter was discussed. He did have an opportunity to visit Utopian Roast’s facility. He questioned if the agreement minored the DC Cobb’s agreement. Director Martin reported that this revocable license agreement is similar to DC Cobb’s other than there is a 12 month clause in which the City may not revoke the license unless there is a breach of contract.
In addition, they will be permitted to serve alcohol within the gated area. Otherwise the base of the agreement is the same.

Alderman Glab questioned why Council was not provided with a copy of the Neumann Park Agreement which details how the City acquired the property and outlines any land restrictions. Alderman Glab asked Staff if they had recently reviewed the Neumann Park Agreement. Staff responded no not recently. Alderman Glab directed Staff to review the Neumann Park Agreement if this license agreement was approved to ensure there were no conflicts with any land restrictions.

Alderman Glab commented on the exhibit included in the packet depicting the railing on Green Street blocking a portion of the sidewalk. He question if the drawing was just a draft or did the drawing depict the way in which the area would be developed. Director Martin noted that the railing is not a requirement. Alderman Glab noted that if the area was developed to reflect the drawing then if a pedestrian turned South on Green St. onto public property there appears to be a potential trip hazard due to the fact the sidewalk is not leveled.

Hidden Pearl owner, Dan Kerns who resides at 2006 Birch commented on the railing design. He noted that he is not a concrete expert. However, the concrete experts will design the stairs to match the existing elevation of the adjacent sidewalk. There was some discussion regarding the ramp located to the north side of facility.

Alderwoman Condon commented on the fact that on Riverside Drive there is no railings.

Mayor Jett asked if anyone else in attendance wished to comment on the motion under consideration.

Educator and resident Mr. Kotomski who resides at 2619 W. Lincoln approached the podium. He reported that he had provided his students with a survey regarding gathering venues that attract a diverse group people for a variety of functions. The students’ survey expressed the lack of gathering venues for teenagers.

He reported that when he announced to his students that he was planning on attending the April 16th Council meeting to express his support with the Council granting the Conditional Use Permit for Utopian Roast LLC d/b/a/ Hidden Pearl. His students were extremely excited and supportive of Mr. Kotomski efforts.

Mayor Jett asked if anyone else in attendance wanted to comment on this matter.

Cathy Adams a resident who resides at 3618 Grand Ave. approached the podium. Ms. Adams stated that Hidden Pearl is a hidden gem and offers an environment in which teenagers can go to discuss confidential matters.
Resident Dominic Otto who resides at 1717 North Brown Street approached the podium. He commented on his experience performing at the Hidden Pearl. Mr. Otto expressed his gratitude to owner Dan Kerns who provided him with an opportunity to experiment with his performances.

Resident Rebecca Thompson who resides at 2069 W. Lincoln approached the podium. Ms. Thompson noted that she was in attendance to support the owner of Hidden Pearl.

Residents Dan Pico and Jacklyn Powers approached the podium. Mr. Pico stated that they had gotten engaged about year ago at the Hidden Pearl. This was the place they choose to share their special moment with family and friends. They both expressed their support for Hidden Pearl’s quick reopening.

Resident Marshal Cohen who resides within the City limit, also expressed his support for the reopening of the Hidden Pearl Café. He noted that owner Mr. Dan Kerns is focused on the community and deeply cares about the City as a whole.

Mayor Jett asked if there was anyone else in the audience that wished to comment on this matter. No one in the audience offered any additional comments.

Mayor Jett commented on the fact the Council Members are supportive of welcoming new businesses and retaining existing businesses.

Mayor Jett stated that at this time he would entertain a motion to reconsider the denial of an Ordinance granting a Conditional Use Permit to allow an Assembly Use, Outdoor Seating, and Indoor Entertainment for Utopian Roast LLC d/b/a Hidden Pearl Cafe located at 1252-1254 N. Green Street; and, an Ordinance authorizing the Mayor's execution of a Revocable License Agreement with Utopian Roast LLC to utilize .45 acres of city-owned property located at 1246 N. Green Street aka Neumann Park for outdoor seating and entertainment. (Motion to be made by an Alderman/Aldermanwoman who voted no on April 2, 2018).

Alderman Glab questioned if this was a motion to bring the matter back to the table proceeded by a motion to consider granting a Conditional Use Permit to allow an Assembly Use, Outdoor Seating and Indoor Entertainment for Utopian Roast LLC d/b/a Hidden Pearl Café. Attorney McArindle replied yes.

There being no further discussion on the motion, A Motion was made by Alderman Schafer and seconded by Alderman Santi to reconsider the denial by the City Council on April 2, 2018 of an Ordinance granting a Conditional Use Permit to allow an Assembly Use, Outdoor Seating, and Indoor Entertainment for Utopian Roast LLC d/b/a Hidden Pearl Cafe located at 1252-1254 N. Green Street; and, an Ordinance authorizing the Mayor’s execution of a Revocable License Agreement with Utopian Roast LLC to utilize .45 acres of city-owned property located at 1246 N. Green Street aka Neumann Park for outdoor seating and entertainment.
Voting Aye: Schaefer, Santi, Devine, Mihevc, Devine, Curry
Voting Nay: Glab
Absent: None
Motion carried

Motion to adopt an Ordinance granting a Conditional Use Permit to allow an Assembly Use, Outdoor Seating, and Indoor Entertainment for Utopian Roast LLC d/b/a Hidden Pearl Cafe located at 1252-1254 N. Green Street; and, an Ordinance authorizing the Mayor's execution of a Revocable License Agreement with Utopian Roast LLC to utilize .45 acres of city-owned property located at 1246 N. Green Street aka Neumann Park for outdoor seating and entertainment.

Mayor Jett asked if any of the Council Members had any questions on the motion. Alderwoman Condon reported that she was one of the members that voted no. She believed there were some issues in the original agreement that needed to be clarified, which Staff and Mr. Kerns have since addressed. Alderwoman Condon continue on to discuss the important role this establishment plays in the community.

Alderman Glab noted that he also voted no due to the lack of clarity in the agreement. Alderman Glab recalled a past meeting in which Mr. Kerns remarked that prior to the meeting Council Members had already made up their minds on how they would vote on this matter. Mr. Kerns replied at the time this was his mindset and he apologized for making those comments. Alderman Glab noted that he always comes to the meetings with an opened mind and listens to his colleagues and Staff’s comments and recommendations prior to making a decision. He noted that he had done his due diligence and would vote his conscience on this matter.

Mayor Jett asked if there were any additional public comments. No one in attendance offered any comments. Mayor Jett asked if the Council Members had any other additional comments. The Council Members offered no additional comments. Mayor Jett stated that at this time he would entertain a motion to adopt the motion on the table.

A Motion was made by Alderwoman Condon and seconded by Alderman Curry to adopt an Ordinance granting a Conditional Use Permit to allow an Assembly Use, Outdoor Seating, and Indoor Entertainment for Utopian Roast LLC d/b/a Hidden Pearl Cafe located at 1252-1254 N. Green Street; and, an Ordinance authorizing the Mayor's execution of a Revocable License Agreement with Utopian Roast LLC to utilize .45 acres of city-owned property located at 1246 N. Green Street aka Neumann Park for outdoor seating and entertainment as amended.

Voting Aye: Condon, Curry, Schaefer, Mihevc, Devine, Santi
Voting Nay: Glab
Absent: None
Motion carried
Motion to adopt Ordinances amending various sections of Municipal Code Chapter 16 and Chapter 13 of the Traffic and Motor Vehicle Code relating to hours and fees for the Miller Riverfront Park Boat Launch.

Mayor Jett asked if the Council Members had any questions or comments on the motion under consideration. Alderman Devine reported that there are many boat launches along the Chain of Lakes and the Fox River that are free or the fees are lower than $25.00.

Alderman Devine commented on the hours of the boat launch. He believes 6:00 a.m. to 11:00 p.m. was reasonable. Alderwoman Condon agreed. In addition, she questioned if the proposed resident boat launch fees were too high.

Alderman Glab noted that it is more palatable to residents if later on the Council reevaluated the boat launch fees and lowers the fees instead of setting the fees low and then increasing them in the future.

Alderman Santi briefly commented on the fees and the hours.

Alderman Schafer noted that he was comfortable with the fees and the amended boat launch times.

The Council Members noted that this is one of the finest boat launch’s on the Fox River.

Mayor Jett asked if anyone in the audience wished to comment on the matter under consideration. Those in attendance offered no comments.

Mayor Jett stated that he would entertain a Motion to adopt Ordinances amending various sections of the Municipal Code Chapter 16 and Chapter 13 of the Traffic and Motor Vehicle Code relating to hours and fees for the Miller Riverfront Park Boat Launch.

A Motion was made by Alderman Santi and seconded by Alderman Curry to adopt Ordinances amending various sections of the Municipal Code Chapter 16 and Chapter 13 of the Traffic and Motor Vehicle Code relating to hours and fees for the Miller Riverfront Park Boat Launch as amended.

Voting Aye: Santi, Curry, Condon, Schafer, Mihevc, Glab
Voting Nay: Devine
Absent: None
Motion carried

STAFF REPORTS
The Staff Members offered no reports that this time.
Executive Session
Motion to enter into Executive Session to discuss probable litigation, 5 ILCS 120/2 (c) (11).
Mayor Jett announced that he would entertain a motion to enter into executive session to discuss probable litigation, as permitted by 5 ILCS 120/2 (c)(11).

A Motion was made by Alderwoman Condon and seconded by Alderman Schafer to enter into executive session at 11:12 p.m. to discuss probable litigation as permitted by 5 ILCS 120/2 (c)(11) with no action to follow.

Voting Aye: Condon, Schafer, Santi, Curry, Mihevc, Glab, Devine
Voting Nay: None
Absent: None
Motion carried

The Council Members along with Administrator Morefield, Attorney Mc Ardle, Director Polerecky, Director Martin, and Deputy City Clerk Geraghty entered into executive session at 11:12 p.m. and return to the public meeting at 12:33 a.m.

Reconvene/Roll Call
The Council Members along with Staff returned to the public meeting at 12:34 a.m. Roll Call: Alderwoman Condon, Alderman Curry, Alderman Santi, Alderman Schafer, Alderman Glab, Alderman Devine and Mayor Jett. Others present: Administrator Morefield, Attorney Mc Ardle, Director Polerecky, Director Martin and Deputy City Clerk Geraghty.

ADJOURNMENT
Motion by Alderwoman Condon, second by Alderman Santi to adjourn the meeting.
Voting Aye: Curry, Santi, Schaefer, Condon, Devine, Glab, Mihevc.
Voting Nay: None
Absent: None.
Motion Carried.

The meeting adjourned at 12:34 a.m.

[Signature]
Mayor

[Signature]
Deputy City Clerk